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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,172	06/08/2006	Hiroshi Nakanishi	4539-0115PUS1	8941

2292 7590 02/13/2008  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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KIANNI, KAVEH C

ART UNIT	PAPER NUMBER
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2883

NOTIFICATION DATE	DELIVERY MODE
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02/13/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10582172	6/8/2006	NAKANISHI ET AL.	4539-0115PUS1

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**EXAMINER**

Kianni C. Kaveh

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2883	3B

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**Commissioner for Patents**

The Applicant's reply on 1/26/07 is deficient with respect to election requirement set by the examiner on 10/26/07, in which the Applicant has chosen Group IA but has not elected the required species one of A1,A2,A3 and one of B1,B2,B3 as stipulated by the examiner .

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. whether a 1-month shortened statutory time period is provided to the applicant to supply the omission to the previous reply is within the discretion of the examiner. Where the examiner determines that the omission was not inadvertent (e.g., the applicant is abusing the provisions of 37 CFR 1.135(c) to gain additional time to file a proper reply or to delay examination of the application), the examiner should notify the applicant of the omission in the reply and advise the applicant that the omission to the previous reply must be supplied within the period for reply to the prior action, including extensions of time under 37 CFR 1.136(a), if permitted. See also MPEP § 714.03.

2/2/09

/Kianni C Kaveh/  
Primary Examiner, Art Unit 2883